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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH IAN BRODIE, an individual,
Plaintiff,

vs.

CREDIT CONTROL SERVICES, INC. d/b/a
CREDIT COLLECTION SERVICES, a
Foreign Corporation,
Defendant.

COMPLAINT
AND JURY DEMAND

Plaintiff, Keith Ian Brodie (hereinafter “Plaintiff”), by and through counsel, Cogburn Law,
hereby complains against Defendant as follows:

I. PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer for Defendant’s
violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter
“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair
practices.

1 **II. JURISDICTION AND VENUE**

2 **A. JURISDICTION OF THE COURT**

3 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

4 **B. VENUE**

5 3. Venue is proper in this District Court, particularly its unofficial southern district,
6 pursuant to 28 U.S.C. § 1391(b).

7 **III. PARTIES**

8 4. Plaintiff is a natural person residing in Clark County, Nevada.

9 5. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(c).

10 6. Upon information and belief, Credit Control Services, Inc. d/b/a Credit Collection
11 Services (hereinafter “CCS”) is a Collection Agency engaged in the business of collecting debts
12 by use of the mails and telephone, and regularly attempts to collect debts alleged to be due another.

13 7. Upon information and belief, CCS is a foreign entity licensed in the State of
14 Maryland and doing business in Nevada.

15 8. Upon information and belief, CCS is registered with the State of Nevada as a
16 collection agency or as a foreign collection agency, license numbers CAD11427, CAD11428 &
17 CAD11429.

18 9. CCS is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6) trying to
19 collect a “debt” as defined by 15 U.S.C. § 1692a(5).

20 **IV. GENERAL ALLEGATIONS**

21 10. Plaintiff obtained medical care in 2019.

22 11. Thereafter, because of administrative confusion with appropriate billing for the
23 services performed, the medical provider referred the account to CCS for collection.
24

12. However, prior to assigning the collection to CCS, Plaintiff's insurance satisfied the outstanding medical services charges with the provider.

13. Notwithstanding, CCS sent collection notices in January and again in August 2020.

14. On or about January 30, 2020, the medical provider's office represented they were contacting CCS to explain the resolution of payment for the services by Plaintiff's insurance company.

15. Despite being advised of the issue, CCS persisted in seeking collection of the medical services previously paid for.

16. CCS, with justification or authority, has and continues to collect an unlawful amount in violation of the FDCPA.

V. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
(Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692)

17. Plaintiff realleges and incorporates all preceding paragraphs above as if fully set out herein.

18. Defendant was negligent and/or willful, rendering it liable for attempting to collect an improper balance due, fees, interests and/or expenses not authorized or permitted by law, and in violation of 1692f(1), including seeking collection of the amounts previously satisfied by Plaintiff's health insurance.

19. As a result of the foregoing violations, Defendant is liable for actual damages, including general damages and special damages in an amount to be proven at trial, but not less than up to \$1,000 per violation, pursuant to 1692k(a)(1).

1 20. As a result of the foregoing violations, Defendant is liable for actual damages,
2 including general damages and special damages in an amount to be proven at trial, but not less
3 than up to \$1,000 per violation, pursuant to 1692k(a)(2)(a).

4 21. As a result of the foregoing violations, Defendant is liable for costs and reasonable
5 attorney fees pursuant to 1692k(a)(3).

6 22. Plaintiff hereby prays for actual damages under the FDCPA, and for statutory
7 damages as set forth above for each and every violation of the Fair Debt Collection Practices Act
8 proven at the trial of this case, and reasonable attorney fees and costs thereunder.

9 23. An actual controversy has arisen and now exists between the parties concerning
10 their respective rights and duties under the FDCPA. A judicial declaration that Defendant's actions
11 violated the FDCPA is necessary so that all parties may ascertain their rights and duties under the
12 law.

13 **VI. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
15 Defendant, on all counts, for the following:

- 16 1. Declaratory judgment that Defendant's conduct violated the FDCPA;
 - 17 2. Actual damages;
 - 18 3. Statutory damages;
 - 19 4. Punitive damages;
 - 20 5. Costs and reasonable attorney fees; and
 - 21 6. For such other and further relief as the Court may deem just and proper.
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1 **VII. JURY DEMAND**

2 Pursuant to Fed. R. Civ. P. 38(b) and the Seventh Amendment to the United States
3 Constitution, Plaintiff hereby demands a jury trial.

4 Dated this 7th day of January, 2021.

5 COGBURN LAW

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